

# The CALIFORNIA LICENSED CONTRACTOR



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No. 1

## Personnel Standards are High

By STEPHEN L. FORD, Chairman of the Personnel Committee, Contractors' State License Board

As chairman of the Personnel Committee of the State Contractors' License Board I presume I should deal in this article with the inspectors of the Contractors' State License Board. This I am happy to do, for I believe the qualifications of the employees of this board are not well enough known among the contractors of the state. I further believe that a wider acquaintance with our representatives will tend to increase the respect of the licensed contractors for the various representatives of the board with whom they come in contact, and it will result in greater cooperation for our staff.

At the inception of the Contractors' License Law in 1929, civil service played no part in the appointment of the inspectors. Naturally a number of men found their way onto the payrolls who were not well qualified to become inspectors under the Contractors' License Law. Because of the often expressed wishes of the industry, the situation was gradually bettered. Then, in 1934, a constitutional amendment placed all of these positions under civil service. Since the civil service era naturally all applicants have passed a stiff examination, and before taking the examination were required to show a reasonable degree of experience.

Through this gradual development and the coming of the civil service rule, we have in my opinion developed a staff of which the licensees may well be proud.

In order to prove my contention I think it advisable to run over briefly the field force of 23 inspectors. Sixteen, or approximately 75 per cent, secured their positions through competitive examination. This same group includes licensed architects, engineers and many men who were previously practicing contractors, and several of which engaged in large-scale engineering and building work.

Among the older inspectors who came to the department prior to the civil service regime are

two with previous law or investigational experience, and the remaining five have spent an average of about six years as inspectors under the Contractors' License Law.

It is a fact, as the members of the board have found out, that there is almost no field for training law enforcement men, and the best qualified construction man is almost useless when he is first employed as an inspector. Naturally his intelligence quotient will determine how fast he picks up the necessary knowledge of the law and the problems of law enforcement. Frankly, it is my opinion that the older inspectors on the force, because of their length of experience, are

as good men as we could possibly secure from any source today. As a matter of fact they have been rubbing shoulders with construction men during their entire period with the State, and they have learned the business end of the construction business from a very broad viewpoint.

In general, as a practicing contractor I have noticed that my fellow licensees are usually very willing to cooperate with our employees in the state department. In conclusion may I mention the fact that our inspectors are engaged in doing a job with which they are

thoroughly in sympathy. Anything which tends to strengthen the enforcement of the Contractors' License Law will please them personally, as well as bring to themselves credit.

In cases where it is your opinion that an inspector has not done his best or has not taken the proper steps, I suggest that you defer criticism. Keep in mind that in his own judgment he has undoubtedly done exactly what he thought was best, and do not be too hasty to criticize. Errors in judgment, for that matter, are made by the wisest men. When assistance is requested of you, take the attitude that these men are employed by the construction industry and that they are working side by side with and for you, and act accordingly.

### ARTHUR ALBER APPOINTED REGISTRAR

Arthur Alber of Los Angeles was appointed Registrar of Contractors on January 28th at the regular meeting of the Board. The appointment was immediately approved by Director William G. Bonelli.

The Contractors' State License Board takes pleasure and pride in making this announcement, and elsewhere in this issue are reprints from a construction magazine which will serve to introduce to the licentiates their new executive in the License Board's organization.

## The California Licensed Contractor

### Department of Professional and Vocational Standards

Frank F. Merriam.....Governor  
William G. Bonelli.....Director  
Fred A. Taylor.....Assistant Director

### Members and Officers of the State Board

Roy M. Butcher, Chairman.....San Jose  
Ralph E. Homann, Vice Chairman.....Los Angeles  
S. G. Johnson.....Oakland  
Hugh W. McNulty.....Fresno  
William Nies.....Los Angeles  
Clarence B. Eaton.....San Francisco  
Stephen L. Ford.....Long Beach

Arthur Alber.....Registrar and  
Executive Secretary  
Glen V. Slater.....Assistant Registrar

### Deputy Registrars

Ralph S. Bowdle.....Sacramento  
L. L. Swearingen.....Los Angeles  
Louis F. Erb.....San Francisco

423 State Office Building, Sacramento  
Main Office  
906 California State Building, Los Angeles  
Branch Office  
501 State Annex Building, San Francisco  
Branch Office

March, 1938

## BOARD MEETS IN BAKERSFIELD

Meeting at the call of Chairman Roy Butcher in Bakersfield on January 28th and 29th, the State License Board quickly took steps to fill the large gap left by the resignation of Registrar Earl S. Anderson.

Following a hearing of petitioners for the vacant post, the board selected Arthur Alber, Los Angeles attorney, as Anderson's successor and submitted its choice to departmental director William G. Bonelli. Director Bonelli immediately approved the appointment on the grounds that Alber had appeared with greater support from the construction industry than any of the other candidates, all of whom were described by the board as being of first-class timber, thus insuring them a fine field for choice.

In addition to routine business, the board adopted a resolution relating to enforcement of the Contractors' Act, reading as follows:

WHEREAS, The very foundation of the Contractors' License Law is the ability to enforce its registration provisions; and

WHEREAS, The actual mechanics of the prosecution of unlicensed offenders of the Contractors' License Law lie in the hands and under the control of the prosecuting authorities of the state and its political subdivisions; and

WHEREAS, There has frequently been made the criticism that adequate enforcement of the Contractors' License Law is lacking; and

WHEREAS, It is the opinion of this body that no such criticism may justly be directed against the policies or operations of this body or of its personnel, now let it be

*Resolved*, That this body, the Contractors' State License Board, in regular meeting this 29th day of January, 1938, does hereby instruct its administrative officer, the Registrar of Contractors, to acquaint the construction industry organizations with this condition and to request them to use their influence to remedy this harmful situation.

In addition the board adopted a resolution commending Earl S. Anderson for his splendid execution of his duties for the board and wishing him continued success in his new position.

## ATTACK ON CONSTITUTIONALITY FAILS

The appellate department of the superior court has upheld a Long Beach conviction of Arthur T. Hesse, found guilty by a jury of contracting without a license.

Hesse's license was taken from him seven years ago when the license of Hesse, Ha Hesse, a copartnership, was revoked, and the recent conviction resulted from an attempt to contract without a license.

In his defense he attacked the Contractors' License Law as unconstitutional. The three superior court judges, studying the appeal, handed down a decision stating, "We do not find the Statute unconstitutional."

## LICENSED CONTRACTORS WARNED ABOUT ECONOMIC POISONS

Dr. Alvin J. Cox, Chief of the Division of Chemistry, State Department of Agriculture, in a letter to Assistant Registrar Slater has asked that contractors be advised they are "not authorized to mix their own materials or to use anything other than registered economic poisons in treatment of timbers for protection against dry rot, termites and other pests of wood."

## LICENSEES HAVE THIRTY DAYS

"All licensees shall report to the Registrar all changes of personnel, name style, or addresses recorded under this Act, within thirty days after the same shall occur."—Contractors' License Law, Section 7.

Don't jeopardize your own interests by failing to report any such change.



## Across the Registrar's Desk

By ARTHUR ALBER, Registrar

"FIRST CLASS." Many a contractor has come to grief through signing a contract with specifications calling for material and workmanship to be "first class." A similar provision often provides that material must be the "best obtainable." Where such phrases apply to the entire job, the contractor has very frequently obligated himself to do a class of work or to use a class of material that is far out of keeping with the structure which he is to erect, and which is in fact, better than originally expected by the owner. Ordinarily the owner will not cause trouble, but on the other hand there are some people who will seize any straw in order to secure a benefit to which they are not entitled.

**MORAL:** Read every word in your contract and in your general conditions of your specifications, as well as the detail. Be sure you understand just what is called for and don't sign up unless you expect to fully abide by the conditions. The time to avoid arguments is before the job starts.

With repeal of the sales tax proposed, contractors should carefully consider the relation of tax systems to the construction business.

The repeal or reduction of any form of taxation will necessarily result in the increase of some other form of taxation. If a shift in taxation should increase the burden upon real property, many experts believe construction would be slowed down materially.

The subject should be thoroughly considered and discussed by contractors before this year's campaign gets under way.

Since the December bulletin 29 contractors were suspended for varying periods of time, and in 9 other cases licenses were revoked.

Contracting without a license may only be a misdemeanor to some people, but a number of judges have in the past 30 days seen some difference between the unlicensed contractor and the overtime parker. In the Stockton police court, Judge Breitenbucher committed an unlicensed painting contractor to jail for six months. In Long Beach, Judge Wilbur Downs thought \$50 the proper fine for doing a \$200 painting job without a license. Beverly Hills' Judge Charles J. Griffith suspended 80 days of a jail sentence resulting from a \$215 contract, but insisted on 10 days being served in the county bastille. Judge Newton of Chico collected \$100 from a licensee who failed to send in the proper renewal application form and had not yet secured his current license.

**MOVING SOON?** Make a note to notify the Registrar when the new address is selected.

## CHAIRMAN ROY BUTCHER

*NOTE.—This is the first of a series of short sketches of the members of the State Contractors' Board. I trust the licentiates will be glad of the opportunity this series presents to secure a personal or human picture of the men who have been appointed by Governor Merriam to direct the administration of the Contractors' License Law.—Arthur Alber, Registrar.*

Nine years after his birth at Joplin, Missouri (1892), Roy Butcher set forth to see the world alone. Following two years of ranch work, he received a job (not a position) in a sawmill in the Ozark Mountains paying 75 cents a day. With three years in the Ozarks behind him, young Roy betook himself to Kansas to carry mail for the Union Pacific Railroad. At this same time he served an apprenticeship as a telegraph operator, and was a full-fledged operator at the age of sixteen.

A better job was offered the young key expert by the Oregon Short Line Railroad and he moved to Pocatello; and from there to Seattle in 1909. In Seattle, during a three-months job at the fair grounds he served an apprenticeship as a wireless operator and then got a job with the United Wireless Company as a regular operator. While with this firm he made three trips to Alaska.

A year later, Roy decided to see the world through a porthole and joined the navy as a radioman. The navy shipped him to Taboosh Island for three months, and then he was transferred to Revenue Cutter Snohomish, upon which he served a year as chief electrician. After discharge from the navy he went to San Francisco, and again joined the forces of the United Wireless Company and worked on coastwise steamers for a short period, and was shortly sent to Australia. From Sidney, Australia, he went to Hobart, Tasmania, and in Hobart supervised the erection of a wireless station for the P. & O. Steamship Company. The company then transferred him in time to Auckland, New Zealand, to Raratonga, and to famous Papeete in Tahiti.

In Tahiti he erected three wireless stations for the French Government. At the close of that program he returned to San Francisco and joined the Alaska Packers Association as an experienced erector. This firm sent him to Kodiak Island and he there erected stations at Kasliu and Chignik.

After completion of the Alaska Packers Association's program, he returned to San Francisco (1912), and was employed by Pacific Coast Steamship Company, which firm sent him to Panama and South America. The following year found him back in the Bering Sea as chief wireless operator for the Alaska Packers stationed at Nak-Nek.

The pioneering urge again seized him in 1913 and he accepted an assignment to the Orient, and spent a year or two in China and Japan in pioneering in wireless telegraphy for the Oriental governments.

In 1914 he returned to the states, and on May 31, 1914, he was married in San Jose. Our information shows that he bought a theatre at about that same time, which indicates that

(Continued on next page)



## INTRODUCING THE NEW REGISTRAR

NOTE.—The following reprints from construction magazines have been chosen by your State Board to introduce to the contracting industry of the state the new Registrar of Contractors, Arthur Alber.

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"On January 28th—after bowing out of board meeting—construction industry observers and employed personnel, the Contractors License Board, assured of necessary freedom of action, gave every consideration to several well recommended gentlemen to fill the post of Registrar of Contractors. Some time later Chairman Butcher threw wide the doors to announce the board's decision—Arthur Alber.

"Attorney Alber, long time resident of Hollywood, received indorsements from many of the important construction industry associations who believe that he more than 'passes muster' for the position of Registrar. As a one term member (he did not choose to run again) to the turbulent arena of the Los Angeles City Council, he should have the ability to find his way around the corridors in Sacramento. His honesty, above questioning, along with his past experience handling construction cases should stand the industry in good stead.

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"Cooperation of the construction industry in strengthening enforcement of the State Contractors' License Law will be sought by the new Registrar of Contractors, Arthur Alber of Los Angeles, whose appointment, approved by Director Wm. G. Bonelli of the Department of Professional and Vocational Standards, has been officially announced by Roy M. Butcher, chairman of the State Contractors' License Board. Alber succeeds Earl S. Anderson who resigned to accept the post of manager of the Construction Industries Committee of Los Angeles Chamber of Commerce. His selection was unanimous, Mr. Butcher states, principally because of the strong support which he received from construction industry groups.

"The new registrar, who believes his duties will make him a 'liaison officer' between the board and construction industries, states that he will take every opportunity to bring the industry and the administrative directors of the Contractors' Act closely together. As rapidly as possible, Alber expects to tour the entire state and to meet with interested groups wherever possible, in order to study local conditions and to explain the board's program.

"From my present knowledge of the Contractors' State License Board, Registrar Alber said, 'I am certain they have a fine organization and are doing very constructive work. It is a pleasure and a privilege to become associated in a program of this sort, and as far as I am personally concerned, I shall certainly take every opportunity to secure for the industry the maximum results from the new rules and regulations of the board.'

"The new contractors' chief, age 45, a native of Alabama, has resided in Hollywood since 1907. A graduate of Hollywood High School and the College of Law of the University of

## CHAIRMAN ROY BUTCHER

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Roy's "rolling stone" era was accompanied by a fair accumulation of moss. Quite a life for the first twenty-two years on this earth.

But the roving spirit was not so easily killed, and so the Butchers took a six-months tour of the United States after a year in San Jose, during which time Florida real estate men got the Butchers into orange growing. But in 1915 the records show him back in San Jose in the electrical contracting business, and there he remains today.

Mr. and Mrs. Butcher have five sons ranging in age from 12 to 23, and their friends admire the success of Chairman Roy's family life which is exemplified by their fine boys.

Up until 1936 Roy had visited all states in the Union except Texas. That exception irked him and so he made a trip to the Panhandle area that year.

He has been active in association work both in and out of the construction industry, is a member of the Elks Club and the San Jose Kiwanis Club, a past president of the San Jose Builders' Exchange, and has held membership in numerous other organizations. Butcher was identified with the group that originally prepared a Contractors' License Law and the culmination of his interest along this line was his appointment by Governor Merriam to the board when it was first established in 1935.

Other construction jobs of an outstanding nature that have come his way have been the electrical contracts on the Alameda County House, Stanford Memorial Theatre, all of the junior high schools in San Jose with one exception, and all of the work at Moffat Field, Sunnyvale.

An outstanding characteristic of Chairman Roy is his humor and his smile, both of which, as its Chairman since July 24, 1936, he has used to great advantage in piloting smoothly the affairs of the Contractors' License Board.

**NOTIFY THE REGISTRAR IF:** 1. You have changed your address and did not report the change. 2. You are changing the name (not the personnel) under which you are operating. Send in your permanent and annual license certificates for correction. 3. Your organization is a copartnership and contemplates any change in personnel. Such changes will nullify your license and place you in a position of an illegal contractor subject to arrest and without the right to sue in court for your payments. 4. Corporate officers have been changed.

Southern California, he was admitted to the bar in 1921.

"As a member of the Hollywood Chamber of Commerce, Alber became interested in civic administration and was elected a member of the Los Angeles city council in 1927, but did not seek reelection at the expiration of this office. While councilman he was chairman of the finance committee, most important division of the civic governing body. He is a member of Hollywood Post No. 43 of the American Legion."—Southwest Builder and Contractor, February 11, 1938.